

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:18-cv-00453-FDW
(3:13-cr-00163-FDW-1)**

PATRICIA DIANE CLARK,)
)
 Petitioner,)
)
 vs.)
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)
 _____)

ORDER

THIS MATTER is before the Court on Petitioner's letter [Doc. 15], which the Court construes as a motion for a certificate of appealability.


On May 9, 2019, the Court dismissed Petitioner's Section 2255 Motion to Vacate, Set Aside, or Correct Sentence with prejudice as untimely and expressly declined to issue a certificate of appealability. [Doc. 13 at 4].

Now, the Petitioner moves the Court to issue her a certificate of appealability. [Doc. 15]. Under Rule 11(a) of the Rules Governing Section 2255 cases, "[i]f the court denies a certificate, a party may not appeal the denial but may seek a certificate from the court of appeals under Federal Rule of Appellate Procedure 22." As such, the Petitioner's motion is not properly before this Court and it will be denied.

IT IS, THEREFORE, ORDERED that:

Petitioner's motion for a certificate of appealability [Doc. 15] is **DENIED**.

Signed: July 3, 2019


Frank D. Whitney
Chief United States District Judge 